

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The City of Chicago, Cook County, Illinois, :
a municipal corporation :

vs. :
:

Norfolk Southern Railway Company and :
Indiana Harbor Belt Railroad Company and :
Department of Transportation of the State of :
Illinois, and Arrow Terminals, L.P. :

In the matter of the petition for an order of the : T01-0018
of the Illinois Commerce Commission : Amendatory
authorizing: the establishment of a new grade :
crossing at the intersection of 126th Place with :
the tracks of the Norfolk Southern Railway :
Company in the City of Chicago, Cook County, :
Illinois, directing thereon the installation of auto- :
matic protection devices and construction of a :
proper crossing to be paid by the City of :
Chicago; the reconstruction of an existing :
grade crossing at the intersection of 126th Place :
with the tracks of the Indiana Harbor Belt :
Railroad in the City of Chicago, Cook County, :
Illinois, directing thereon the installation of :
cross bucks and reconstruction of a proper :
crossing to be paid by the City of Chicago; and :
the removal of an existing viaduct structure to :
be paid by the City of Chicago, carrying a rail :
line no longer in use of the Indiana Harbor Belt :
Railroad over 126th Place in the City of :
Chicago, Cook County, Illinois. :

AMENDATORY ORDER

By the Commission:

On March 16, 2001, the City of Chicago, Cook County, Illinois, a municipal corporation ("Petitioner" or "City") filed the above-captioned verified petition naming as Respondents Norfolk Southern Railway Company ("Norfolk"), Indiana Harbor Belt Railroad Company ("Indiana Harbor"), the Department of Transportation of the State of Illinois ("IDOT"), and Arrow Terminals L.P. ("Arrow").

Following a full and public hearing pursuant to notice before an authorized Administrative Law Judge ("ALJ") of the Commission, an Order was entered on December 19, 2001.

On January 17, 2002, counsel for Petitioner, the City of Chicago, Cook County, Illinois, filed an Application for Rehearing, suggesting changes to the December 19, 2001 Order. The Commission is of the opinion that the suggested changes should be made as follows:

Page 2, paragraph 2, line 5: ...existing crossing over the tracks of Arrow Terminals, L.P. equipped with crossbuck signs.

Page 2, paragraph 5, lines 4 and 5: ...at the Arrow Terminals, L.P. crossing are necessary in the interests of public safety.

Page 3, Finding paragraph 7, line 2: of 126th place with the tracks of Arrow Terminals, L.P.

Page 4, Finding paragraph 9: proper crossing surfaces should be constructed at the existing crossing and at the new crossing; the costs of construction are to be borne by the City of Chicago.

Page 4, Ordering paragraph 2, lines 7, 8, and 9: Future maintenance of the warning devices shall be the responsibility of the Norfolk Southern Railway Company. (end of paragraph)

Page 4, Ordering paragraph 3, lines 1, 7, and 8, and 9: IT IS FURTHER ORDERED that Arrow Terminals, L.P.... Costs for the warning devices and a proper asphalt crossing surface shall be the financial responsibility of the City of Chicago.

Page 5, Ordering paragraph 5, line 1: IT IS FURTHER ORDERED that Arrow Terminals, L.P. ...

Page 5, Ordering paragraph 6, line 2: ...Southern Railway Company, Arrow Terminals, L.P. and the City of Chicago are hereby required...

Page 5, Ordering paragraph 10, line 2: ...Belt Railroad Company, Arrow Terminals, L.P. and the City of Chicago, within six months from...

Page 6, Ordering paragraph 12, lines 1 and 2: IT IS FURTHER ORDERED that the City of Chicago, Cook County, Illinois and Arrow Terminals, L.P.

IT IS THEREFORE ORDERED that the above changes replacing Arrow Terminals, L.P. for Indiana Harbor Belt Railroad and including Arrow Terminals in the Findings and Orders as hereinabove indicated are made a part of the Order of December 19, 2001.

IT IS FURTHER ORDERED that in all other respects, the Order of December 19, 2001 remains in full force and effect.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Law, this is a final order subject to the Administrative Review Law.

By Order of the Commission this 6th day of February, 2002.

Richard P. Mathias³

Chairman

JUDGE	TBT
SECTION CHIEF	
ORDERS SUPERVISOR	<i>APJ</i>